

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY MORABITO,

Plaintiff,

v.

WESTCHESTER COUNTY; WELLPATH LLC;
GEORGE LATIMER; JOSEPH SPANO;
SERGEANT PRICE; M.D. RAUL ULLOA;
MICHAEL KUNZ; ERIC PAOLILLI; SARA
GEORGE; EDITH ONUA; ZOETH STONE-
EDWARDS,

Defendants.

No. 22-CV-6853 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff Jeffrey Morabito (“Plaintiff”) brings this Action pro se under 42 U.S.C. § 1983, Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, et seq., and § 504 of the Rehabilitation Act of 1973, alleging that Defendants violated his rights and the law when they provided inadequate medical treatment for his opioid withdrawal symptoms. (*See generally* Second Amended Complaint (Dkt. No. 67).) By Order dated August 12, 2022, Chief Judge Swain granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees. (Order (Dkt. No. 4).)

I. Discussion

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the assistance of Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (providing that the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

Through letters filed on May 22, 2024, counsel for all Defendants—Loren Zeitler, Esq. and Paul A. Sanders, Esq.—have agreed to execute waivers of service on behalf of their respective unserved clients. (*See* Dkt. Nos. 74, 76.) Accordingly, to allow Plaintiff to effect service on Defendants George Latimer, Joseph Spano, Edith Onua, Sara George, Zoeth Stone-Edwards, Eric Paolilli, M.D. Raul Ulloa, and Michael Kunz through the U.S. Marshals Service, the Clerk of Court is respectfully instructed to fill out a Waiver of the Service of Summon form (“AO 399 form”) for each of those Defendants. The Clerk of Court is further respectfully asked to deliver to the Marshals Service all the necessary paperwork described in the AO 399 form, including two copies of the filled-out AO 399 form itself, for the Marshals Service to mail to Defendants’ counsel. The appropriate mailing addresses for each unserved Defendant are appended to this Order.

If service is not waived within ninety days after the date of this Order, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Finally, Plaintiff is reminded that he must notify the Court in writing if his address changes, and the Court may dismiss this case if Plaintiff fails to do so.

II. Conclusion

The Clerk of Court is respectfully instructed to fill out an AO 399 form for each of Defendants George Latimer, Joseph Spano, Edith Onua, Sara George, Zoeth Stone-Edwards, Eric Paolilli, M.D. Raul Ulloa, and Michael Kunz. The Clerk of Court is further respectfully asked to deliver to the Marshals Service all the necessary paperwork described in the AO 399 form, including two copies of the filled-out AO 399 form itself, for the Marshals Service to mail to Defendants’ counsel, whose addresses are appended to this Order.

The Court also respectfully asks the Clerk of Court to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 6, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is positioned above a horizontal line.

KENNETH M. KARAS
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

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